

5373. Adulteration and misbranding of vinegar. U. S. * * * v. 110 Barrels * * * of Vinegar. Consent decree of condemnation and forfeiture. Product ordered released on bond. (F. & D. No. 7890. I. S. Nos. 11627-m, 11628-m. S. No. C-587.)

On December 1, 1916, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 110 barrels of vinegar, remaining unsold in the original unbroken packages at Chicago, Ill., alleging that the article had been shipped on October 8 and 29, 1916, by the Robinson Cider & Vinegar Co., Benton Harbor, Mich., and transported from the State of Michigan into the State of Illinois, and charging adulteration and misbranding in violation of the Food and Drugs Act.

Adulteration of the article was alleged in the libel for the reason that distilled vinegar or dilute acetic acid had been mixed and packed therewith so as to reduce, lower, and injuriously affect its quality and strength, and had been substituted in part for said article; and for the further reason that the article had been colored in a manner whereby inferiority was concealed.

Misbranding was alleged for the reason that the statement on the barrels, to wit, "Charm" (or "Queen" or "Tolmo") "Brand Cider Vinegar Reduced to 4" (or "4½" or "5") "Percent Acid Strength," was false and misleading in that it represented to the purchaser that the article consisted of pure cider vinegar reduced in strength as aforesaid, whereas, in truth and in fact, a distilled vinegar or dilute acetic acid had been mixed and packed therewith so as to reduce, lower, and injuriously affect its quality and strength; and for the further reason that said statement deceived and misled the purchaser into the belief that the article was a pure cider vinegar reduced in strength as aforesaid, whereas, in truth and in fact, it was an imitation of pure cider vinegar and was offered for sale under the distinctive name of another article, to wit, cider vinegar.

On January 10, 1917, John Robinson, doing business as the Robinson Cider & Vinegar Co., claimant, having admitted the allegations of the libel, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product should be released to said claimant upon the payment of the costs of the proceedings and the execution of a bond in the sum of \$1,000, in conformity with section 10 of the act, conditioned in part that the article should be labeled as imitation cider vinegar.

CARL VROOMAN, *Acting Secretary of Agriculture.*